

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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International application No. PCT/US04/17641	International filing date (day/month/year) 03 June 2004 (03.06.2004)	Priority date (day/month/year) 06 June 2003 (06.06.2003)	
International Patent Classification (IPC) or national classification and IPC IPC: G06Q 40/00(2006.01) USPC: 705/35,36R,36T,37,39,40,41			
Applicant EBAY INC.			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ (sent to the applicant and to the International Bureau) a total of 6 sheets, as follows:

☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

☒ Box No. I Basis of the report

☐ Box No. II Priority

☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

☐ Box No. IV Lack of unity of invention

☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

☐ Box No. VI Certain documents cited

☐ Box No. VII Certain defects in the international application

☐ Box No. VIII Certain observations on the international application

Date of submission of the demand

28 June 2005 (28.06.2005)

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. I Basis of the report

1. With regard to the **language**, this report is based on:

- ☐ the international application in the language in which it was filed.
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4(a))
- ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☐ the international application as originally filed/furnished
- ☒ the description:
pages 1-29 as originally filed/furnished
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____
- ☒ the claims:
pages NONE as originally filed/furnished
pages* 20-35 as amended (together with any statement) under Article 19
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____
- ☒ the drawings:
pages 1-35 as originally filed/furnished
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US04/17641**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims <u>1-15, 17-22, 24-38 and 40</u>	YES
	Claims <u>NONE</u>	NO
Inventive Step (IS)	Claims <u>1-15, 17-22, 24-38 and 40</u>	YES
	Claims <u>NONE</u>	NO
Industrial Applicability (IA)	Claims <u>1-15, 17-22, 24-38 and 40</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and Explanations (Rule 70.7)

Claims 1-15, 17-22, 24-38 and 40 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest a network based facility system including a processor for resolving a dispute by receiving a complaint over a network from a first party to a network-based transaction, the complaint being associated to the transaction, a computing system sends a request for a resolution information over the network to a second party to the transaction, the computing system receives the resolution information over the network from the second party, and the computing system automatically provides restitution to the first party, the restitution being associated with the transaction, the processor further causes the computing system to investigate the complaint and to notify the parties of a result selected from a group of results including an acceptance of the complaint and a rejection of the complaint.

Claims 1-15, 17-22, 24-38 and 40 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

----- NEW CITATIONS -----

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CLAIMS

What is claimed is:

1. A network based facility system including:
a computing system including a memory; and
a process, to resolve a dispute, to be performed by the computing system, from the memory, and to cause the computing system to receive a complaint over a network from a first party to a network-based transaction, the complaint being associated to the transaction, the computing system to send a request for a resolution information over the network to a second party to the transaction, the computing system to receive the resolution information over the network from the second party, and the computing system automatically to provide restitution to the first party, the restitution being associated with the transaction, wherein the process further causes the computing system to investigate the complaint and to notify the parties of a result of the investigation, wherein the result is selected from of a group of results including an acceptance of the complaint and a rejection of the complaint.
2. The system of claim 1, wherein the restitution to the first party is a refund of funds to the first party.
3. The system of claim 1, wherein the restitution to the first party is a partial refund of funds to the first party.
4. The system of claim 1, wherein the restitution is automatically provided directly from a financial account related to the second party to a financial account related to the first party.
5. The system of claim 1, wherein the automatic provision of the restitution further includes automatically confirming tracking information with a shipping carrier, the tracking information pertaining to a shipment of an item that is the subject of the transaction.
6. The system of claim 5, wherein the process is further causes the computing system not to provide the restitution to the first party if it is determined from the

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shipping carrier that the shipment has not occurred.

7. The system of claim 1, wherein the restitution to the first party is to facilitate the delivery of the item.
8. The system of claim 1, wherein the resolution information includes a proof of refund.
9. The system of claim 8, wherein the automatic provision of the restitution further includes validating the proof of refund.
10. The system of claim 8, wherein the validating of the proof of refund further includes confirming the proof of refund with a third party financial institution.
11. The system of claim 9, wherein the process causes the computing system to not provide the restitution to the first party if it is determined from the validation that the proof of refund is not valid.
12. The system of claim 1, wherein the restitution information includes an acceptance of liability from the second party.
13. The system of claim 1, wherein the complaint includes an indication the complaint relates to a not as described item.
14. The system of claim 13, wherein the resolution information indicates a desire to dispute the complaint.
15. The system of claim 14, wherein the process further causes the computing system to receive evidence from the first party and the second party related to the complaint.
16. (Cancelled)
17. A network based facility system including:

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means for receiving a complaint over a network from a first party to a transaction, the complaint being associated to the transaction;

means for sending a request for a resolution information over the network to a second party to the transaction, responsive to receipt of the complaint;

means for receiving the resolution information over the network from the second party, the resolution information being received responsive to the request;

and

means for automatically providing restitution to the first party, the restitution being associated with the transaction, further comprises a means for investigating the complaint and a means for notifying the parties of a result of the investigation, wherein the result is selected from of a group of results including an acceptance of the complaint and a rejection of the complaint.

18. The system of claim 17, wherein the restitution to the first party is a refund of funds to the first party.

19. The system of claim 17, wherein the restitution to the first party is a partial refund of funds to the first party.

20. The system of claim 17, wherein the means for automatically providing restitution includes a means for automatically providing funds from a financial account related to the second party direct to a financial account related to the first party.

21. The system of claim 17, wherein the means for automatically providing restitution includes a means for confirming shipping tracking information with a shipping carrier, the shipping tracking information pertaining to a shipment of an item that is the subject of the transaction.

22. The system of claim 17, wherein the complaint includes an indication the complaint relates to a not as described item.

23. (Cancelled)

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24. A method for a network-based facility, the method including:
receiving a complaint over a network from a first party to a transaction, the complaint being associated to the transaction;
responsive to receipt of the complaint, sending a request for resolution information over the network to a second party to the transaction;
receiving the resolution information over the network from the second party;
automatically providing restitution to the first party based on the resolution information, the restitution being associated with the transaction;
investigating the complaint; and
notifying the parties of a result of the investigation, wherein the result is selected from of a group of results including an acceptance of the complaint and a rejection of the complaint.
25. The method of claim 24, wherein the restitution to the first party is a refund of funds to the first party.
26. The method of claim 24, wherein the restitution to the first party is a partial refund of funds to the first party.
27. The method of claim 24, wherein the restitution is automatically provided directly from a financial account related to the second party to a financial account related to the first party.
28. The method of claim 24, wherein the automatic provision of the restitution includes confirming tracking information with a shipping carrier, the tracking information pertaining to a shipment of an item that is the subject of the transaction.
29. The method of claim 24, including not providing the restitution to the first party if it is determined from the shipping carrier that the shipment has not occurred.
30. The method of claim 24, wherein the restitution to the first party is to facilitate delivery of the item.
31. The method of claim 24, wherein the resolution information includes a proof

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of refund.

32. The method of claim 31, wherein the automatic provision of the restitution includes validating the proof of refund.

33. The method of claim 31, wherein the validating of the proof of refund includes confirming the proof of refund with a third party financial institution.

34. The method of claim 24, wherein the resolution information includes an acceptance of liability.

35. The method of claim 24, further including:
accepting the complaint from the first party upon determining the complaint is sent from the first party a predetermined time period after the associated transaction.

36. The method of claim 24, wherein the complaint includes an indication the complaint relates to a not as described item.

37. The method of claim 36, wherein the resolution information indicates a desire to dispute the complaint.

38. The method of claim 37, further including:
receiving evidence from the first party and the second party related to the complaint.

39. (Cancelled)

40. A machine-readable medium storing a sequence of instructions that, when executed by a machine, cause the machine to:

receive a complaint over a network from a first party to a transaction, the complaint being associated to the transaction;

responsive to receipt of the complaint, sending a request for resolution information over the network to a second party to the transaction;

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receive the resolution information over the network from the second party;
automatically provide restitution to the first party based on the resolution
information, the restitution being associated with the transaction;
investigate the complaint; and
notify the parties of a result of the investigation of the complaint, wherein the
result is selected from of a group of results including an acceptance of the complaint
and a rejection of the complaint.